



Lamoine Board of Selectmen

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Minutes of May 16, 2011

Chair Jo Cooper called the meeting to order at 7:05 PM

Present were: Selectmen William Brann, Cynthia Donaldson, Gary McFarland, S. Josephine Cooper, Richard Fennelly Jr.; Administrative Assistant Stu Marckoon, Planning Board Member/Assessor/Deputy Code Enforcement Officer/Road Commissioner Michael Jordan, Assessors Jane Fowler, Terry Towne; Code Enforcement Officer Dennis Ford, Planning Board Chair John Holt (arrived 8:23 PM)

Addendum – Stu reported the Planning Board chair had an item on the addendum and would arrive sometime after 8PM

Minutes of May 5, 2011 – Cynthia noted there was one typo. Gary moved to approve the minutes with that correction. Bill 2nd. **Vote in favor was 3-0 (Donaldson abstained as she was not present at the previous meeting, Fennelly had not yet arrived)**

Warrant 22 – Selectmen present signed expenditure warrant 22 for \$203,266.72. Stu reported \$174,000 was for the RSU bill, the privy construction and sweeping were included on the warrant.

Cash & Budget Report – There were no questions or comments

Investment Management – Jo noted that it was nice to see the investment return improving a little.

Barking Dog Ordinance Request – Jo said there was a request from a resident, and Stu found ordinances from other towns that were included in the packets. Richard said he was not hugely in favor of proposing such an ordinance. Jo said she wouldn't be either. She told of an issue her mother had with a neighbor who had noisy sled dogs, and said she can understand the property owner's frustration.

Terry Towne asked if an individual made a whole lot of noise, could they be arrested. Jane Fowler asked if there was anything in an ordinance about goats. Richard said it could be a slippery slope. He said someone could be troubled by kids playing loudly. Selectmen read a letter submitted by the resident requesting the ordinance.

Jo said it seems to be an isolated individual situation. Richard said he knows it is a nuisance. Jo said she wonders what the Selectmen could suggest to the resident. She said she is reluctant to enact a law. Stu said it would have to go to town meeting. Jo asked what the Selectmen could suggest. Gary said he was reluctant to propose an ordinance. Communications between neighbors were discussed. Jo noted that too many times ordinances get enacted and there are unintended consequences. Richard noted that noise complaints often come in about gravel trucks, too.

Commercial Trash Hauler Policy – Stu said he's started drafting something, but it's nowhere near complete.

Public Salt/Sand Policy – Stu reported he drafted a policy a while ago, and Selectmen reviewed the draft. Mrs. Fowler said they give away 5-gallon buckets at their business. Richard said it would basically be an honor system and they could try it for a year. There was a discussion about where to store it, and whether salt would be included in the material, or not.

Paving – Stu reported there was no update on paving

Road Maintenance List – Stu reported he drafted up a list of work with road commissioner Mike Jordan. Jo said it's a matter of getting the right people on the jobs. Selectmen indicated they were OK with proceeding with the list if it fits within the budget. Stu said the budget should be OK.

Returnables Request – Cynthia explained what the Infant Family Support Program does. Jo said her only concern about the request was that she thought the program focused on Lamoine program. Richard and Gary said that was their understanding as well. Jo said she worries about setting a precedent. A short discussion followed.

Route 204 – Beavers – Stu reported he has received several reports of trees damaged by beavers on Partridge Cove Road. He said he spoke with MDOT, and they referred the matter to Inland Fish and Wildlife. He said he spoke with a game warden, and the warden suggested Bangor Hydro. Stu said he called Gary Stanley at Bangor Hydro who said they would look it over.

May 25, 2011 Headcount – Stu said he need a headcount for the May 25, 2011 collaboration meeting in Somesville. Bill said he was not able to attend. Jo said she would check. There was a brief discussion about collaborating with Trenton and Hancock.

PERC Overage – Stu reported he's not been in contact with Pine Tree Waste yet about the PERC overcharge. He said he is trying to meet with the sales rep.

Workshop with Planning Board, Code Enforcement Officer/Assessors re: Ordinance Fees – The various parties discussed at length the current ordinance fees and came up with a list of fees to propose at the next Selectmen's meeting to implement on July 1, 2011

Request for Legal Service – Planning Board chair John Holt said he is asking for authorization, if the Planning Board so chooses, to consult with the town attorney in response to the recent Appeals Board decision in the Gott v. Planning Board case. Jo said she needs some sort of concept of what it will cost.

Mr. Holt said he wasn't sure where the legal advice would lead, but it shouldn't be more than 1-to-2 hours. He said the decision from the Appeals Board has some serious

problems, and the Board decisions were not on what was appealed. He said he wondered how the Planning Board could comply with those decisions – whether it could be appealed again or would have to go to Superior Court. He said the Planning Board needs to decide which avenue to pursue. He said the matter may be complicated because the town attorney consulted the appeals board during the process.

Bill asked if this would be a consultation or representation. Mr. Holt said the Planning Board has not decided how to respond. He said the Board would like authorization if the Board decided to proceed. He said if the matter winds up in superior court, they will find out what the will of the Selectboard is.

Richard said 1-to-2 hours is doable. Mr. Holt said they would try to do a concise presentation. He said they need some guidance, because the matter is likely to end up in court. Richard asked if the Planning Board had used the town attorney on the matter. Mr. Holt said they had very early consultations with the town attorney. He said the Planning Board decision was appealed, and the town attorney provided guidance to the Appeals Board.

Cynthia said it's unusual to have the town attorney decide different pieces of the same issue. Jo said she's not opposed to having the Planning Board utilize the town attorney provided they keep a handle on the costs. Richard said he was OK with an hour. Jo said she's not enthusiastic about having to go to court. Cynthia asked if it's possible to do it in an hour. A short discussion followed.

Gary move to authorize the Planning Board to utilize the Town Attorney for up to 2-hours. Bill 2nd. **Vote in favor was 5-0.** Cynthia said she would like to see a list of the expenditures to the town attorney.

Executive Session – Jo moved to go into executive session pursuant to 1MRSA §405(6)(a) for the purpose of a job performance review with the Code Enforcement Officer. Gary 2nd. **Vote in favor was 5-0. In at 9:10 PM, Out at 9:47 PM.**

Other Business – Jo reported she received a call from a citizen regarding an assessing matter and there was a brief discussion about how to address the matter. Jo said she would speak with the parties involved.

There being no further business, the meeting adjourned at 10:00 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.